



Exempt Action Proposed Regulation Agency Background Document

Agency name	State Board of Elections
Virginia Administrative Code (VAC) citation	1 VAC 20-70-20
Regulation title	Material Omissions from Absentee Ballots
Action title	Material Omissions from Absentee Ballots
Document preparation date	8.23.2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of The Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

On December 20, 2010, the State Board of Elections published a regulation defining material omissions from absentee ballots with an effective date contingent upon preclearance. This regulation did not become effective and the Board on July 6, 2011, approved proposing for public comment different language for a regulation that would replace Board policy 2008-006, Substantial Compliance. This regulation details what errors or omissions on the Envelope B required by Va. Code § 24.2-706 must render an absentee ballot invalid. During a previous public comment period on Town Hall from August 1 to August 12 and at its meeting on August 16, 2011, the Board received additional public comments and directed that a further public comment period be provided.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

None.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the proposed regulatory action, including but not limited to improving clarity and utility to voters and election officials.

Anyone wishing to submit comments may do so **at the public hearing scheduled for 3:00 p.m. October 17, 2011, State Capitol, House Rm. 2. Interested persons are encouraged to submit comments online using the** Regulatory Town Hall website from September 12 through October 12, 2011, www.townhall.virginia.gov or by mail, email, or fax to Justin Riemer, Confidential Policy Advisor, 1100 Bank St., Richmond, VA 23291, 804.864.8904, 804.786.0760 (fax), justin.riemer@sbe.virginia.gov Written comments must include the name and address of the commenter. In order to be considered, written comments must be received by the last day of the public comment period.

A public hearing will be held and notice of the hearing may be found on the Virginia Regulatory Town Hall website (www.townhall.virginia.gov) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.